

NEWS RELEASE



***OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California***

***United States Attorney
Carol C. Lam***

For Further Information, Contact: Assistant U.S. Attorney Melanie K. Pierson (619) 557-5685

For Immediate Release

NEWS RELEASE SUMMARY - June 29, 2006

United States Attorney Carol C. Lam announced that a North County resident and his dietary supplement company pled guilty today in federal court in San Diego to misbranding a food product. Brian Rubach stated in court that he is the majority owner of a business known as Vitashots, Inc., located at 340 Rancheros Road in San Marcos, California. Rubach admitted that during the period from approximately January 2003 through March 23, 2005, Vitashots marketed a dietary supplement called "Ventilean." Ventilean was offered for sale at retail outlets throughout the United States and was distributed at trade shows for body builders. Ventilean was marketed as a product that could reduce body fat.

In connection with his guilty plea, Rubach admitted that on or about June 2003, he began adding clenbuterol to batches of Ventilean, without disclosing the additional ingredient on the labeling of the product. According to the Food and Drug Administration, Clenbuterol is a drug which is only approved for use in the United States to treat asthma in horses. Rubach acknowledged in court that by failing to disclose the presence of clenbuterol on the Ventilean labeling, he intended to mislead consumers of Ventilean into

believing that the effects they received from the product were the result of a simple dietary supplement, rather than a powerful drug.

Rubach entered his guilty plea before United States Magistrate Judge Leo S. Papas, subject to final acceptance of the plea by United States District Court Judge Barry Ted Moskowitz. Rubach will appear before Judge Moskowitz on October 6, 2006, at 8:30 a.m.

DEFENDANTS

Criminal Case No. 06-CR-1272-BTM

Brian Rubach
Vitashots, Inc.

SUMMARY OF CHARGE

Misbranding, in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2)
Maximum Penalty: Three years in custody and/or \$250,000 fine

AGENCY

Food and Drug Administration, Office of Criminal Investigations